UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

MICHAEL ALAN BURTON]	
Movant,]	
]	No. 3 09 0521 (No. 3:08-mc-0245)
v.]	(No. 3:08-mc-0245)
]	Judge Trauger
STATE OF TENNESSEE]	
Respondent.]	

MEMORANDUM

The movant, proceeding pro se, is an inmate at the Arizona State Prison in Florence, Arizona. He has filed a "Motion of Special Action: Complaint Corrective Action Review" (Docket Entry No.1), seeking his return to Tennessee and release from custody.

In 1974, the movant was convicted in Arizona of attempted murder and received a sentence of from twenty (20) to thirty (30) years in prison. He allegedly violated the terms of his parole from that sentence and fled to Tennessee. The movant was later arrested in Williamson County and was extradited from Tennessee back to Arizona. The movant claims that he is now being held beyond the expiration of his sentence and is entitled to release from custody.

In order for the movant to obtain relief for an allegedly unconstitutional conviction or confinement, he must prove that the conviction or confinement has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal

authorized to make such a determination, or called into question by a federal court's issuance of a writ of habeas corpus. Heck v. Humphrey, 114 S.Ct. 2364, 2372 (1994). The movant has offered nothing to suggest that his continued confinement has already been successfully challenged in either a state or federal court. Therefore, the movant has failed to state a cognizable claim for relief.

When a prisoner proceeding in forma pauperis has failed to state a claim upon which relief can be granted, the Court is obliged to dismiss his action sua sponte 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

Aleta A. Trauger

United States District Judge